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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/785,872 | 02/16/2001 | Rocky Stewart | BEAS-01033US4 | 6323 |
| 23910 | 7590 | 03/02/2006 | EXAMINER | |
| FLIESLER MEYER, LLP | | | PATEL, ASHOKKUMAR B | |
| FOUR EMBARCADERO CENTER | | | | |
| SUITE 400 | | | ART UNIT | PAPER NUMBER |
| SAN FRANCISCO, CA 94111 | | | 2154 | |

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/785,872 | STEWART ET AL. | |
| | Examiner | Art Unit | |
| | Ashok B. Patel | 2154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 2,7,10,12,17 and 20 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 3-6, 8, 9, 11, 13-16, 18, 19, and 21 -32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Application Number 9/785, 872 was filed on 02/16/2001. Claims 1-32 are subject to examination. Claims 2,7,10,12,17 and 20 have been cancelled.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 11, 33 and 39 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 21 and 43 of copending Application No. 09/906, 658. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims 1, 21 and 43 of the co-pending Application 09/906, 658 is being currently allowed for the reason including "Each of the independent claims recites particular features that, in the environment of business collaboration, a collaboration space and business protocol combination is identified by a unique uniform resource locator (URL) and the business

protocol is specified by the URL used by the trading partner to communicate with said collaboration space."

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following comparison as numbered shows the limitations that are considered common to both applications:

| copending Application No. 09/906, 658 | Instant Application 09/785,872 |
|---|--|
| <p>Claim 1:</p> <p>A method for (1) <u>providing real-time electronic conversations among trading partners</u> using multiple business protocols, comprising:</p> <p>(3) storing the role of each trading partner and the rules for multiple concurrent conversations in a collaboration space, wherein said collaboration space is installed on a central collaboration hub location, and wherein said collaboration space stores the messages of a conversation for delivery to and from the trading partners as part of that conversation;</p> <p>(2) providing a plurality of business protocol handlers, each of which are configured to use a different business protocol, and which is used by a trading partner to participate in a conversation, wherein each collaboration space and business protocol combination is identified by a unique uniform resource locator (URL);</p> <p>(5) allowing the trading partners to send and receive messages in a conversation using an extensible data protocol, in accordance with the rules and roles stored in said collaboration space, wherein said extensible data protocol provides an ability to specify both a routing information and a business protocol for that conversation, wherein the routing information is specified by the trading partner in a header of the extensible data protocol, and wherein the business protocol is</p> | <p>Claim 1:</p> <p>A collaboration hub for use with a collaboration system (1) <u>for handling messages of conversations</u> among participants, comprising:</p> <p>(2) a transport for receiving messages from participants and sending messages to other participants using an extensible data protocol, wherein the extensible data protocol allows a participant to specify both a routing information, and a business protocol for that conversation, wherein the routing information is specified by the participant in a header of the extensible data protocol, and wherein the business protocol is specified by a uniform resource locator used by the participant to communicate with the transport;</p> <p>(3) a router that validates each message received from a participant at the transport, examines the routing information to determine which others of the participants the message should be delivered to, and stores the message for subsequent delivery via the transport to those participants;</p> <p>(4) a manager that manages the flow of messages across components of collaboration hub;</p> <p>(3) a repository that stores management data, wherein said management data is used by components of the collaboration hub to handle said messages; and</p> <p>(5) wherein support for an additional business protocol can be plugged into the</p> |

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| <p>specified by the URL used by the trading partner to communicate with said collaboration space, thereby allowing said collaboration space to use multiple URL's to support multiple business protocols; and</p> <p>(4) managing the conversation with conversation management software installed on the central collaboration hub.</p> | <p>collaboration hub by specifying the uniform resource locator to be used with the additional business protocol. and the decoder that the additional business protocol will use to decode messages.</p> <p>The claim 1 of Application 09/906, 658 specifically fails to teach a decoder that decodes messages received from the participants; a scheduler that schedules the flow of messages from the transport to the router, and from the router to the transport. However, Notani (US 6, 119, 149) teaches a decoder that decodes messages received from the participants (Fig. 13 and col. 14, lines 41-55); a scheduler that schedules the flow of messages from the transport to the router, and from the router to the transport. (col. 5, lines 17-29).</p> <p>Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine the teachings of Notani to Application 09/906, 658 such that "Transformers (decoders) can be used to transform data from one form to another form. Transfer Objects are objects that can be passed from activity to activity or from enterprise to enterprise.</p> |
| | Please also refer to claim 1 for rejections of Claims 11, 33 and 39, as these claims include the same claim limitations as claim 1. |

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

App



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